Public Workshop:
Americans with Disabilities Act (ADA) Transportation Services
May 7, 2021
Objectives of the Public Workshop

1. Provide an overview of the policies governing TD “non-sponsored” services;
2. Understand the implications of ADA complementary paratransit services on the TD Program; and
3. Gather input from stakeholders on services for dual TD-ADA eligible customers.
Meeting Rules

• This is a **public** meeting under Florida’s Government in the Sunshine Act.
• This meeting is being recorded.
• All audio and phone lines are muted.
• Speakers that submitted a public comment form will be selected first.
• Webinar speakers will be unmuted when called on by the meeting facilitator.
• Phone participants will be instructed on unmuting their phone lines.
• All speakers during public input will be limited to 5 minutes.
“You’ve got to start with the customer experience and work backwards to the technology. You can’t start with the technology and try to figure out where you are going to try to sell it.”

Steve Jobs
Who Are Our Customers?
Individuals Who…

Are “Transportation Disadvantaged” (TD) due to disability, age or income;

Need access to health care, employment, education, and other activities in their community; and

Have limited transportation options to participate in these activities.
Balancing Customer Needs with Funding Constraints
Summary of CTD Policy on ADA Complementary Paratransit

CTD administers the Transportation Disadvantaged Trust Fund (TDTF), which supports the delivery of “non-sponsored” transportation.

The U.S. Americans with Disabilities Act (ADA) requires transit entities to provide “complementary paratransit” services to individuals with disabilities who cannot access the fixed route in their community.

For individuals who are dual eligible, CTD authorizes the use of TDTF to:

◦ Purchase paratransit trips not covered under the ADA, including origins and destinations outside the fixed route corridors or during days/times outside the service hours of the fixed route service; and

◦ Subsidize the rider’s fare for an ADA complementary paratransit trip, if the individual demonstrates a financial hardship.

Notwithstanding these exceptions, CTD determined ADA complementary paratransit as a “sponsored” service and not eligible to be reimbursed under the TDTF.
CTD policy was not a formal decision, but a change in interpretation made in 2016 to deny TDTF “non-sponsored” trips within the ADA fixed route corridor.

The fiscal impact of reversing this policy would be zero - CTCs receive a fixed amount in TDTF funding and cannot invoice beyond that allocation.

The policy is unequally applied across the state – smaller systems have not been directed to deny TDTF non-sponsored trips to recipients of 5311 or other federal grant programs.

CTD’s definition of “sponsored” trips may endanger the use of other funding, such as 5311, to be used in service of the TD population.

Clarity is needed on the various definitions of “sponsored” trips.

If an individual cannot pay the fare for an ADA paratransit trip, that trip should be considered “non-sponsored” and reimbursed at the full cost of the trip (not just the cost of the rider’s fare).
Questions to Consider for this Presentation…

1. If CTD subsidizes a portion of ADA complementary paratransit services, what is the benefit to riders if these trips are currently available?
   ◦ If the budget impact of supplementing ADA trips is zero, then would funding these trips take funding away from non-ADA (i.e., non-sponsored) trips?

2. ADA *complementary* paratransit services function as an extension of the fixed route system to ensure individuals with disabilities have access to the same level of services afforded to the general public:
   ◦ Are non-fixed route systems federally required to provide a comparable service to persons with disabilities as the general public?

3. How would maintaining CTD’s policy impact the coordination of other funding to deliver paratransit services to the TD population?
   ◦ If TDTF is the “payor of last resort,” how does this endanger the use of other federal funding to deliver the most transportation possible?
   ◦ Are there examples where CTD’s policy resulted in “unraveling” coordination of other funding sources?
...Questions to Consider for this Presentation

4. The Federal Transit Administration (FTA) requires transit entities to separate ADA from other “sponsored” unlinked passenger trips within the National Transit Database (NTD):
   ◦ If CTD purchases ADA trips, would that make them “sponsored” and no longer considered “ADA” under the FTA?
   ◦ Would CTD paying for ADA trips reduce the availability of enhanced match federal funding for ADA paratransit service costs?

5. If CTD purchases ADA trips (beyond the rider’s fare), how would the rate of reimbursement be determined?
   ◦ Would CTCs that are not transit entities be expected to reimburse the full cost of ADA trips?
   ◦ If the cost of an ADA trip is to be covered, should the cost of a fixed route bus trip also then be covered?
Legislative History of TD Program
Timeline of Events
WHEREAS, the elderly, handicapped, and other transit dependent citizens of Florida are faced with **critical transportation needs**, and

WHEREAS, the elderly, handicapped, and other disadvantaged citizens living in small communities and small rural areas **have no access to transportation** of any kind, and

WHEREAS, many elderly, handicapped and other disadvantaged **need available financial subsidy** to enable them to utilize private, public, and paratransit services, and

WHEREAS, there are state and federal programs which provide funding to aid in the development and support of transportation services to the disadvantaged, and

WHEREAS, limited information on transportation funding is hampering the development of effective planning to overcome the transportation problems of the transportation disadvantaged, and
Legislative Foundation of TD Program: Chapter 79-180, L.O.F.

WHEREAS, the local communities and counties have inadequate financial resources to resolve the transportation problems of their elderly, handicapped, and disadvantaged citizens, and

WHEREAS, although various state agencies are actively addressing transportation problems as they relate to their specific responsibilities, no state policy guiding the delivery of transportation for the transportation disadvantaged has been developed, and

WHEREAS, because of the lack of state policy, regional and state agencies have been unable to develop the essential level of coordination of available funding programs required to produce transportation services fully responsive to the needs of the elderly, handicapped, and other disadvantaged…
Chapter 79-180

Created the Transportation Disadvantaged program within Chapter 427, Florida Statutes.

Established Coordinating Council on the Transportation Disadvantaged to “foster the coordination of transportation services” (427.013)

Established the provider network responsible for coordinating transportation services to the TD population – later became CTCs.

◦ Charged with reducing “the fragmentation and duplication of service provision among all the state and federally funded programs” to the TD population.

Defined “transportation disadvantaged funds” as any state or federal funds used to support the transportation to the TD population (427.011(10))
Chapter 89-376, L.O.F.

Transitioned the Council into the Commission and expanded its responsibilities in s. 427.013, FS:

- Included “identify barriers prohibiting the coordination and accessibility of transportation services” to the TD population (427.013(4))

Established TDTF to “subsidize a portion of a [TD] person’s transportation costs which is not sponsored by an agency” (427.0159(3))

Defined “coordination” as the arrangement of transportation services to the TD population “in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services” (427.011(11))

Added local government to the list of “transportation disadvantaged funds” that support transportation services to the TD population.

Established CTC and Local Coordinating Board (LCB) responsibilities in ss. 427.0155 and 427.0157, FS.
Chapter 92-152, L.O.F.

Defined “nonsponsored” as TD services “that are not sponsored or subsidized by any funding source” other than the TDTF (427.011(12))

Directed CTD to “develop needs-based criteria that must be used by all [CTCs] to prioritize the delivery of nonsponsored transportation disadvantaged services that are purchased” by the TDTF (427.013(23))

Directed CTCs to work with LCBs to “establish priorities with regard to the recipients of nonsponsored [TD] services that are purchased” by the TDTF, pursuant to criteria developed by CTD (427.0155(7)).

Clarified that the “funds for nonsponsored [TD] services shall be distributed based upon the need of the recipient and according to the criteria developed” by CTD (427.0159(3)).
TDTF “Needs-Based” Criteria Adopted in 1997

**No Other Funding Available** – Individual has no other purchasing agency “sponsoring” a trip to a certain activity

**No Other Means of Transportation** – Individual does not own a vehicle, have a family member, or others who can provide a trip to an activity.

**Public Transit** – Individual does not have access to a fixed bus route, or one is not available in their community, to access an activity.

**Disability** – Individual has a disability as defined by the ADA that presents a barrier to transportation.

**Age** – The individual’s age presents a barrier to transportation [the age limit is defined by the CTC and Local Coordinating Board (LCB)].

**Income** – The individual or household income presents a barrier to transportation [the income threshold is defined by the CTC and LCB].
Common Themes

Individuals who are TD have unique transportation needs that are not being addressed entirely by government and other transportation programs.

Many of these individuals have limited or no access to public transportation (including fixed route) within their community.

The TD program was created to coordinate funding and other resources to provide transportation to these individuals in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of service.

The TDTF was established to subsidize a portion of the cost of trips to individuals who have no other means or funding available to support their mobility needs.

Chapter 427 directs the Commission and CTCs to use eligibility criteria and prioritize TDTF dollars for the individuals with the greatest needs.

This criteria provides for public transit (fixed route) as an option that must be explored prior to be determined eligible for non-sponsored services...
Impact of ADA Paratransit on TD Program
CTD conducted a study with USF-Center for Urban Transportation Research (CUTR) to examine initial impacts of ADA in 1993-94.

Explored the relationship between TD and ADA programs, including the effects of eligibility, demand, and funding.

Identified ADA as “a subset of the population eligible for TD transportation,” which may overlap with other programs as well.

Examined the extent of changes occurring within the coordinated system to accommodate for the new ADA requirements.

- Some CTCs are directly responsible for ADA paratransit services, while others are not but operate in an urbanized area where ADA is available.

Recommended CTD consider “identifying ADA paratransit information in uniform data collection efforts” as well as part of its existing activities with CTCs (e.g., training, QA, standards development, etc.).
Key Insights from Study

The most influential factor to the initial growth in ADA ridership was the availability of other transportation services, particularly “where the funding for non-sponsored trips [was] insufficient to meet demand.”

The issuance of monthly bus passes increased to encourage riders to use fixed route when possible, “freeing paratransit capacity for other TD and ADA eligible persons who cannot” ride the fixed route.

The “more coordinated CTCs” would assign the most appropriate funding source to the trip:

- If a trip does not meet a specific program (i.e., “sponsored”) criteria, “the second choice is generally ADA service, followed by TD Trust Fund-sponsored service… [b]ecause the TD Trust Fund is the most flexible funding source and is applied last…”

Many systems experienced a shift in demand, where ADA captured certain types of trips over others:

- For example, ADA service would carry more employment, recreation and weekend trips, while a greater portion of TD trips would occur “outside of the transit service area, creating some longer average trip lengths.”

Though the study estimated the demand for ADA paratransit would continue to grow, it would be less than the estimated demand for TD services: “Current funding levels will continue to be far short of what is needed to meet the demand for TD services, even if ADA paratransit is fully funded for eligible trips.”
Discussion of Public Feedback and Policy Considerations
Access and Funding

Although the “Non-Sponsored” Eligibility Criteria adopted by CTD in 1997 did not explicitly identify ADA complementary paratransit as ineligible for TDTF, it did identify both “public transit” and “other means of transportation” as options that must be exhausted before an individual is determined eligible for non-sponsored services. For individuals who are determined eligible for ADA complementary paratransit, they are guaranteed access to transportation within the fixed route corridor under federal law, regardless of the existence of the TDTF.

As CTCs receive a fixed amount of TDTF dollars each year, Chapter 427 directs them to use the CTD eligibility criteria in prioritizing funding where most needed (ss. 427.013(23) and 427.0155(7)). Though ADA eligible riders may still qualify for TDTF non-sponsored services, funding should be prioritized to support their trips to activities not guaranteed under the ADA. A reversal of this policy would reduce the availability of funding for CTCs to deliver non-sponsored trips to non-ADA riders.
Application of CTD Policy

Though non-fixed route and rural systems may provide some level of public transportation within their community using FTA grant funding (such as 5310 and 5311), individuals with disabilities living in these communities are not guaranteed the same level of access afforded to individuals with disabilities who live within a fixed route corridor under the ADA. Absent a fixed route, ADA complementary paratransit does not exist. Therefore, CTD’s policy on ADA complementary paratransit only applies to communities where such services exist.

CTD’s Eligibility Criteria for non-sponsored services are intended to be used by all CTCs (urban and non-urban systems alike) to prioritize TDTF monies to purchase trips that would otherwise be unavailable in their community. Absent the TDTF, these trips would otherwise not exist.
Coordination of Other Funding

“Coordination” is a key tenet of Chapter 427, where the Commission and CTCs are charged with arranging “the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services” (427.011(11)). Neither the statutory definition of “nonsponsored,” nor the Eligibility Criteria, preclude a CTC from utilizing other federal funding to support the delivery of transportation services to the TD population.

Beyond trips purchased with TDTF dollars, Chapter 427 identifies “transportation disadvantaged funds” from other local, state, and federal programs that can be used to support the delivery of transportation services to the TD population. This may include “funds for planning, Medicaid transportation, administration, operation, procurement, and maintenance of vehicles or equipment and capital investments” (s. 427.011(10), F.S.).
State VS Federal Definitions of “Sponsored” Trips

Though Chapter 427 does not explicitly define “sponsored” trips, it does provide that trips purchased under the TDTF are “not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund” (427.011(12)). Further, CTD Rule 41-2.013 provides that the use of TDTF to purchase non-sponsored trips “shall be applied only after all other potential funding sources have been used and eliminated. Grant funds shall not be used to supplant or replace funding of transportation disadvantaged services which are currently funded to a recipient by any federal, state, or local governmental agency.”

Under the National Transit Database (NTD), FTA defines “sponsored service” as unlinked passenger trips that are “paid in whole or in part by a third party,” such as Medicaid, Meals-on-Wheels, Head Start, etc. These trips are separate from ADA complementary paratransit trips reported in the NTD. Under the FTA definition, trips purchased under the TDTF should be considered a “sponsored service” and, therefore, not eligible as ADA complementary paratransit trips.
Trip Reimbursements VS Rider Fare Subsidies

If a TD eligible rider is determined eligible for ADA complementary paratransit but not able to pay the fare for that trip, TDTF dollars may be used to subsidize the fare to ensure that individual is not denied access to that service. This policy is consistent with the use of TDTF to purchase bus passes, which only subsidize the fare – **NOT the full cost** of a fixed route trip – for TD eligible individuals to access the fixed route system.

If the Eligibility Criteria determines an individual eligible for non-sponsored services (i.e., the individual demonstrates a transportation need not being addressed by another funding or transportation source), CTD will reimburse the CTC for a portion of the cost of that trip based on the negotiated rate.
Supporting Documentation

Chapter 79-180, Laws of Florida (see pages 695-700 of pdf):

Chapter 89-376, Laws of Florida (see pages 633-643 of pdf):

Chapter 92-152, Laws of Florida (see Sections 82-88 on pages 288-290):

TDTF “Non-Sponsored” Eligibility Criteria, Adopted by CTD on May 22, 1997:

“ADA Impacts on Florida’s TD Programs,” Prepared for CTD in December 1993 (Revised in July 1994) by USF-CUTR:
Public Input

Public comments are limited to five minutes per speaker

Participants may also submit input via email to David Darm at: David.Darm@dot.state.fl.us. CTD is requesting additional feedback be submitted by May 14, 2021

Next CTD Meeting: June 3, 2021